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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,211	06/19/2001	Bryan C. Turner	95-465	9864

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EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,211

Applicant(s)

TURNER ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 4, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-13, 17-23, 27-33, and 37-39 is/are rejected.
- 7) ☒ Claim(s) 4-6, 14-16, 24-26 and 34-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on April 4, 2005. Previous office action contained claims 1-39. Amendment filed on April 4, 2005 have been entered and made of record. Therefore, pending claims 1-39 is presented for further consideration and examination.

Response to Arguments

2. Applicant's arguments filed April 4, 2005 have been fully considered but they are not persuasive.

The applicant argues with respect to independent claims that Schuster et al. (Hereafter, Schuster) U.S. Patent 6,731,630 does not disclose receiving application-based commands for execution of at least one of first operations for display of selected display elements, second operations for selected input operations elements, and third operations for selected application based responses, especially where the application based commands are received via the open protocol network as defined by claims 1,10, 20, and 30.

The examiner respectfully submits that Schuster teaches receiving application-based commands for execution of at least one of first operations for display of selected display elements (col. 13 lines 29-35), second operations for selected input operations elements (col. 9 lines 47-57), and third operations for selected application based responses, especially where the application based commands are received via the open protocol network (Figures 2 and 4; col. 9 lines 54-60; and col. 14 lines 1-6) (e.g. Figure 4 teaches a programmable button 404 which can

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be used for function billing, the function billing must include an operation of sending a request or a query to the remote server for processing the request and return the response data back to the device 108 over the network).

3. Claims 2-9, 21-29, and 31-39 are rejected at least by virtual of their dependency on independent and by other reasons set forth in the previous office action.

4. According rejections for claims 1-39 are presented as below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 7-13, 17-23, 27-33, and 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al (Hereafter, Schuster) U.S. Patent 6,731,630.

7. Regarding claims 1,10,20, and 30, Schuster discloses a network-enabled user interface device (Figure 4), the device including: a display screen configured for displaying display elements (406); a user input interface configured for supplying user inputs (412); an interface controller (Figure 2, User interface circuitry 208) configured for receiving application-based commands for at least one of first operations, second operations, and third operations, the interface controller configured for causing the display screen to display the display elements

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based on the first operations, configuring the user input interface for selected input operations based on the second operations, and generating application-based responses based on the supplied user inputs and the third operations (e.g. Figure 4 teaches a programmable button 404 which can be used for function billing, the function billing must include an operation of sending a request or a query to the remote server for processing the request and return the response data back to the device 108 over the network) (Figures 2 and 4; col. 8 lines 66 through col. 9 lines 7; col. 9 lines 47-60; col. 13 lines 29-35; and col. 14 lines 1-6); and an application controller (Figure 2, processor 204) configured for communication with executable application operations having generated the application-based commands and selectively transferring the application-based responses to selected ones of the executable application operation (col. 9 lines 61 through col. 10 lines 16), the application controller including a network interface (Figure 2 network interface 200) configured for receiving the application-based commands and outputting selected ones of the application-based responses via an open protocol network (col. 6 last paragraph through col. 7 lines 2).

8. Regarding claims 2,12,22, and 32, Schuster discloses a display abstraction interface configured for generating display-specific images for display of the respective display elements by the display screen (col. 9 lines 41-47); and an input abstraction interface configured for generating hardware-specific commands for configuration of the user input interface for the respective selected input operations based on input elements selected according to the second commands (col. 13 lines 29-34; and col. 14 lines 7-11).

9. Regarding claims 3,13,23, and 33, Schuster discloses the interface controller further includes a message controller configured for receiving the application-based commands as first

text stringy and generating the application-based responses as second text strings based on the supplied user inputs and the third operations, the message controller parsing the first text strings for retrieval of the application-based commands (col. 9 lines 41-60; and col. 14, lines 34-52). 7.

10. Regarding claims 7,17,27, and 37, Schuster discloses a locally-executable resource configured for generating a first group of the application-based commands (Figure 2, program button 220), the application controller configured for identifying a first of the application-based responses as corresponding to the locally-executable resource and in response outputting the first of the application-based responses to the locally executable resource (col. 9 lines 54-60).

11. Regarding claims 8,18,28, and 38, Schuster discloses wherein the open protocol network is an Internet Protocol network (col. 8 lines 10-19).

12. Regarding claims 9,19,29, and 39, Schuster discloses a telephony portion configured for providing Voice over IP based communications via the open protocol network concurrent with the display of the display elements and the selected input operations (col. 6 lines 42-67).

13. Regarding claims 11,21, and 31, Shuster discloses the receiving step includes receiving multiple groups of application-based commands via open protocol network from respective server executing the respective executable application operations, and the second generating step includes outputting the application-based responses to the respective servers via the open protocol network (col. 9 lines 61 through col. 10 lines 16; col. 6 last paragraph through col. 7 lines 2; col. 8 lines 10-19; and col. 11 2nd paragraph).

Allowable Subject Matter

14. Claims 4-6, 14-16, 24-26, and 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for objection for claims above:

The prior art of records fails to disclose an user interface controller including an extensible markup language module configure for identifying user input and response; graphic user interface elements table configured for displaying and identifying input elements specified by the identifiers to display abstraction interface and the input abstraction interface respectively. The closest found prior art is Schuster et al (Hereafter, Schuster) U.S. Patent 6,731,630. Schuster et al. disclose a flexible device with configurable interface that would allow identifying and displaying user's input and response. However, Schuster et al. fail to disclose an extensible markup language module and graphic user interface element table configured for displaying and identifying input elements specified by the identifiers to display abstraction interface and the input abstraction interface respectively as cited above.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen
Examiner
Art Unit 2143

June 22, 2005


DAVID WILEY
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